

David Rush  
SBI # 173418  
1181 Paddock Rd.  
Smyrna, DE 19977

Peter Dalleo, Clerk of Court  
Re: Rush v. CMS, et al, CA No. 07-514-SLR: **Certification of Record for Appeal to Third Circuit**

Mr. Dalleo:

On 11/28/07, I (plaintiff/appellant) filed a Notice of Appeal to the U.S. Third Circuit Court of Appeals. Therein, I gave notice to appeal the following Orders of the District Court:

I. As to the dismissal of defendant First Correctional Medical, Inc ("FCMI"):

- a) **Order (D.I. 34) (10-30-07):** Sua Sponte Dismissal of Claims and Defendants: (1) First Correctional Medical, Inc, (2) Dr. Sita Gombah-Ali, (3) Dr. John Doe, (4) Dr. Fredrick Durst, (5) Dr. Muhammad Niaz, and (6) Dr. McDonald. (Rush takes appeal of the lower Court's sua sponte dismissal of all claims (e.g. statute of limitations and deliberate indifference of Hepatitis C treatment and Lipomas). Rush does not appeal items 15 of the Court's Order regarding the Grievance issue though.

II. As to the denial of Plaintiff's TRO/PI and Motion for Reconsideration:

- a) **Order (D.I. 25) (10-16-07):** Denying TRO/PI (D.I. 7); and  
b) **Order (D.I. 39) (11-16-07):** Denying (D.I. 32) Plaintiff's motion for reconsideration.

Appellate rules, rule 10 (b) requires an appellant to certify within ten days of filing a Notice to Appeal that no transcript need be ordered and/or to alternatively request the Clerk to prepare and forward the "Orders" to be appealed. Thus, I certify that no transcript is required regarding this Appeal. Appellant does submit, however, that it is necessary for the Full Record to be prepared and submitted to the Court of Appeals. Thus, Appellant does request, pursuant to 24 (c) FRAP, that the court prepare and forward the Full Record to the Court of Appeals.

Thank you,

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David Rush, 173418

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11-28-07  
Date

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